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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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BOBBIE JANE SMITH,
Plaintiff,

10 v.

11 NANCY A. BERRYHILL,
Defendant.

Case No.18-cv-00887-VKD

**ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE
DISMISSED**

13 Plaintiff Bobbie Jane Smith filed this action on February 20, 2018. Dkt. No. 1. Pursuant
14 to the Social Security Procedural Order issued on February 12, 2018, Ms. Smith's motion for
15 summary judgment or for remand was due within 28 days of service of defendant Nancy A.
16 Berryhill's answer. Dkt. No. 6. Secretary Berryhill filed an answer and the administrative record
17 on October 1, 2018, making Ms. Smith's motion due on October 29, 2018. Dkt. Nos. 20, 21. Ms.
18 Smith failed to file her motion by October 29.

19 On November 5, 2018, seven days after Ms. Smith's motion was due, the parties filed a
20 stipulation to extend time for Ms. Smith to file her motion for summary judgment, requesting an
21 additional 45 days until December 13, 2018. Dkt. No. 22. The Court found that there was no
22 good cause to grant the request and denied it, giving Ms. Smith until November 13, 2018 to file
23 her summary judgment motion. Dkt. No. 23. Ms. Smith failed to file her motion by November
24 13.

25 The Court possesses the inherent power to dismiss an action sua sponte "to achieve the
26 orderly and expeditious disposition of cases." *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–33
27 (1962).

28 Accordingly, Ms. Smith is directed to file a written response to this order by **November**

1 **20, 2018** and to appear before the Court on **November 27, 2018 at 10:00 a.m.** in Courtroom 2,
2 Fifth Floor, 280 South First Street, San Jose, California 95113 and show cause why this action
3 should not be dismissed without prejudice for failure to prosecute.

4 **IT IS SO ORDERED.**

5 Dated: November 16, 2018

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8 VIRGINIA K. DEMARCHI
9 United States Magistrate Judge

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